

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARY ONEAL DRUM,

Defendant.

CR-15-14-GF-BMM-JTJ

ORDER

United States Magistrate Judge John Johnston conducted a revocation hearing in this matter on February 26, 2019. (Doc. 47.) The United States accused Gary Oneal Drum of violating his conditions of supervised release by: (1) consuming alcohol; (2) failing to report to his probation officer as directed; (3) failing to report for substance abuse treatment; (4) failing to report for sex offender treatment; and (5) failing to report for substance abuse testing.

Judge Johnston entered Findings and Recommendations in this matter on February 27, 2019. (Doc. 50.) Drum waived his right to object to Judge Johnston's Findings and Recommendations. *Id.* at 3. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell*

Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981).

The admitted violation proves serious and warrants revocation of Drum's supervised release. Judge Johnston has recommended that the Court revoke Drum's supervised release and commit Drum to the custody of the Bureau of Prisons for a term of 12 months, with no supervised release to follow. (Doc. 50 at 4.)

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Drum's violation of his conditions represents a serious breach of the Court's trust. A sentence of 12 months custody, with no supervised release to follow represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 50) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Gary Oneal Drum be sentenced to 12 months custody with no supervised release to follow.

DATED this 4th day of March, 2019.



Brian Morris
United States District Court Judge